

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2011-093424

06/15/2012

HONORABLE DAVID M. TALAMANTE

CLERK OF THE COURT

M. Kay

Deputy

IN RE THE MATTER OF
LEAH ASHLEY PORTILLO

LEAH ASHLEY PORTILLO
1050 S LONGMORE DR APT 5
MESA AZ 85204

AND

FRANKIE REYES

FRANKIE REYES
126 N HUNT DR E
MESA AZ 85203

FAMILY COURT SERVICES-CCC

RULING

Trial was held on June 8, 2012 and taken under advisement. The Court has had an additional opportunity to consider the evidence and argument presented by both parties.

On the issue of custody,

THE COURT FINDS that Mother is asking for sole legal custody because she questions Father's parenting skills, his commitment to parenting, the parties' inability to co-parent and because she has been the primary custodian of the minor child since his birth in July 2011. Father is asking for an order of joint legal custody so that he can remain involved in the child's life, because he believes Mother will interfere with his access and because he has demonstrated his ability to parent through his care of another son not common to the parties. The child is too young to express a wish regarding a custodian. Mother testified that the child has begun to interact with his half-sibling and the child appears to have a bonded relationship with Mother. Father is beginning to establish a relationship through supervised visits at Parenting Skills. As noted on the record Father's contact with the child through Parenting Skills has been positive and

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appropriate. The child's adjustment to home, school and community was not presented to the Court as an issue. Both parents have the mental and physical ability to care for the child while in their respective care. Based on the conflict between the parents and Mother's position relating to custody, the Court finds that Father is the parent more likely to allow the child frequent and meaningful continuing contact with the other parent. Mother has been the primary caretaker of this child since his birth.

Based on the above and the Court finding that the parents are not capable of co-parenting at this time,

IT IS ORDERED awarding Mother sole legal custody of the minor child, Gabriel (DOB: 7/11/11).

Regarding Respondent's request for a name change,

IT IS ORDERED granting Father's request.

IT IS FURTHER ORDERED that the minor child's last name be changed to Franks-Reyes.

IT IS FURTHER ORDERED that the parties cooperate and take reasonable steps necessary to amend the birth certificate to reflect paternity and the name change.

On the issue of parenting time,

IT IS ORDERED that Father's supervised parenting time through Parenting Skills will continue through July 16, 2012 to coincide with parenting time of his other child. Thereafter, Father will enjoy alternating weekend parenting time with the minor child, unsupervised, beginning no later than Saturday morning at 10:00 a.m. and continuing through Sunday at 6:00 p.m. Father is responsible for picking up the minor child at the beginning of his parenting time and Mother is responsible for picking up the child on Sunday at 6:00 p.m. unless the parties otherwise reach agreements.

On the issue of support,

IT IS ORDERED that Father's support obligation to Mother will be effective August 1, 2011.

THE COURT FINDS that Father's income is \$2,095.72 per month; Mother's income is \$1,147.00 per month; Mother is given an adjustment for the support of one other child under the

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age of twelve and Father is given an adjustment for the support obligation of another child in the amount of \$325.00. Mother pays medical insurance at \$90.00 per month for Gabriel and because Mother is employed at less than 40 hours per week, the Court will adjust her daycare expenses at \$400.00 per month. Father is given a parenting time adjustment of 58 days. In addition to the regular support obligation of \$636.84 per month, Father is required to pay an additional \$30.00 per month towards the accumulated arrearages and support obligation effective August 1, 2011.

IT IS ORDERED that Father shall pay Mother child support in the amount of \$636.84 per month together with the handling fee of \$5.00 per month by Income Withholding Order through the Support Payment Clearinghouse. Father is advised that until such time as the Income Withholding Order becomes effective, and during any time when no Income Withholding Order is in place, Father has an affirmative obligation to pay the child support directly to the Support Payment Clearinghouse. Father shall immediately notify the Court of any change in his employment by filing a Current Employer Information sheet.

LET THE RECORD REFLECT that an Income Withholding Order is initiated electronically by the above-named Deputy Clerk (confirmation #374714).

IT IS ORDERED that the parties be equally responsible for any unreimbursed medical expenses. When requesting reimbursement, Mother must provide Father with written notice along with copies of the receipts and Father must make payment within 30 days of receipt of Mother's request for reimbursement.

After considering exhibit 10,

IT IS ORDERED granting Petitioner/Mother judgment in the amount of \$941.00 representing unreimbursed medical expenses already incurred by Mother. Father shall take reasonable steps to pay that amount to Mother within 45 days of the date this order is entered.

IT IS FURTHER ORDERED that Petitioner/Mother may claim the child as a tax exemption in tax years 2011 and 2012; Father may claim the child in 2013 and every odd year thereafter so long as his child support obligation is current through December 31st of the tax year.

IT IS FURTHER ORDERED that each party is to bear their own costs.

IT IS FURTHER ORDERED that the requirements of Rule 81 are waived and this minute entry is signed as the formal written Order of this Court.

FILED: Child Support Worksheet.

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All parties representing themselves must keep the Court updated with address changes.
A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.

June 18, 2012
Date

/ s / HONORABLE DAVID M. TALAMANTE

JUDICIAL OFFICER OF THE SUPERIOR COURT